IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.16455 of 2006

Dated: March 5, 2007

Between:

Kuchanpally Sandeep Reddy, S/o. K. Narasimha Reddy,
Aged about 11 years, being minor, represented by his
Natural father and guardian K. Narasimha Reddy,
S/o. Chenna Reddy, R/o. Tekmal village, Tekmal Mandal,
Medak District.

… Petitioner

And

The Principal, Jawahar Navodaya Vidyalaya,
Wargal, Medak District.

… Respondent

Order:

This Writ Petition has been filed seeking Mandamus to declare the action of the respondent in not giving admission to the petitioner into 6th standard even after qualifying in the entrance examination as arbitrary and illegal.

2. Petitioner was one of the applicants who applied for entrance examination for entry into VI standard in the respondent – Jawahar

Navodaya Vidyalaya, Wargal, Medak District. One of the notified eligibility criteria in the prospectus, to secure admission in VI standard in the respondent school, is that one should have studied classes III, IV and V in a recognized school. Petitioner claimed to have studied classes III, IV and V during the academic years 2003-04, 2004-05 and 2005-06 respectively in Viswabharathi Vidyanikethan, Tekmal, a recognized school. Basing on the preliminary information furnished by the petitioner about his previous study, he was issued hall ticket to appear for entrance test, in which he appeared and qualified. However, subsequently, when he could not produce documents relating to recognition of the school in which he studied previously, respondent-school has denied him admission. It is stated that though petitioner was qualified in the entrance examination, respondent-school has denied him admission on the ground that he did not study classes III, IV and V in a recognized school, which is one of the notified eligibility criteria for a student to be eligible to get admission in the respondent-school.

3. The case of the petitioner is that he has studied V class in Viswabharathi Vidyanikethan, Tekmal, which was granted recognition by the Government sometime after he took admission in it; hence he is entitled for a seat in the respondent-school.

4. Respondent has filed counter affidavit stating that the prospectus for admission into VI class issued by it clearly says that a candidate claiming admission from rural quota must have studied and passed classes III, IV & V from a Govt. / Govt.- Aided, recognized school in the Sessions 2003-04, 2004-05 and 2005-06, respectively. It is stated that the petitioner failed to submit recognition certificate attested by the Mandal Educational Officer concerned, regarding the recognition granted to the school in which he studied earlier.

Thereafter, on verification of the recognition granted to the Viswabharathi Vidyaniketan, Temkal, through the District Educational Officer, it was found that the said school was granted permission to run classes I to VII only on 18-03-2005, which shows that the said school did not possess any recognition during the academic years 2003-04, and 2004-05. It is further stated that as the petitioner failed to comply the norms laid down by the Navodaya Vidyalaya Samithi, he was denied admission.

5. It is not in dispute that as per the eligibility criterion notified in the prospectus, a student seeking admission in the respondent school must have studied classes III, IV and V in a recognized school. Petitioner has studied classes III, IV and V during academic years 2003-04, 2004-05 and 2005-06 respectively. However, in the counter affidavit filed by the respondent, it is specifically averred that the school in which petitioner has studied the aforesaid classes was granted permission and recognition only on 18-03-2005 for classes I to VII. Petitioner has not controverted the said averment by filing a reply affidavit. Petitioner did not satisfy the eligibility criteria notified for admission into VI class in the respondent school, i.e. he did not study classes III, IV and V in a recognized school. Though he claims that the said school in which he has studied the aforesaid classes is recognized, it is to be seen that such recognition has only been granted on 18-03-2005, whereas, as per the criteria laid down, the said school should have possessed recognition even during the period in which the petitioner studied III and IV classes also. In the absence of petitioner satisfying the eligibility criteria notified, no direction as sought for can be given, more so when the academic year has virtually come to an end.

6. The Writ Petition is devoid of merits and is accordingly

dismissed. No costs.

JUSTICE R. SUBHASH REDDY.

March 5, 2007
MRR